

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-541 of 2022

Mita Saha & Ors. VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order
For the Applicant : Mr. S. Ghosh,
Mr. A. Mitra,
Learned Advocates.

01
29.08.2022
For the State
Respondents : None.

For the Private
Respondent No. 5 to 8. Ms. Jonaki Saha,
Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

Affidavit of service has been filed. Let it be kept with the record. Vakalatnama has been filed by private respondent No. 5 to 8. Let it also be kept with the record.

The prayer in this application is for directing the respondent authorities to disburse the arrear family pension and other retiral benefits. Learned counsel for the applicant submits that the applicant Mita Saha is the legally married wife and submits copies of following supporting documents :-

- a) Name of Mita Saha as nominee of the deceased employee Samar Lal Saha.
- b) Marriage certificate of marriage with deceased employee Samar Lal Saha with Mita Saha solemnized on 06.08.1981 and issued by the Registrar under Hindu Marriage Act, 1955 of 24 Parganas, at Barasat on 27.04.1983.
- c) Sucession Certificate page No. 16 issued in favour of Mita Saha by District Delegate, Barasat North 24 Pgs. on 23.04.2003.

It is submitted by Mr. Ghosh that there is no dispute and all supporting documents have been submitted before the concerned authority to establish the fact that Smt. Mita Saha is the legally married wife and is eligible for family pension of the deceased employee. Hence, a direction may be given to the respondent to disburse the family pension in favour of the applicant, Mita Saha.

Ms. Jonaki Saha appearing on behalf of private respondents No. 5 to 8 submits that Smt. Basanti Saha is the legally married wife and submits a copy of the Succession Certificate issued in favour of Basanti Saha by the District Delegate, Basirhat, North 24 Pgs on 28.09.2001.

From the record, it appears that the Office of the Principal A.G.(A & E), W.B. has remanded back the proposal for family pension and other retiral benefits to the respondent, Divisional Fire Officer, North 24 Pgs. Division with certain queries and clarifications on 29.06.2022. Among the several queries raised by the A.G.W.B., the Divisional Fire Officer has been advised to re-submit the proposal by answering the several questions raised by it with supporting documents.

Having heard both the learned advocates, the application is disposed of by directing the Respondent No. 3, Divisional Fire Officer, North 24 Parganas Division to examine all the documents submitted by the parties and come to a considered conclusion regarding the eligibility of family pension and other retiral benefits. The respondent should also process and submit his replies to the clarifications sought by the Pr. A.G.W.B with

supporting documents as per the A.G.W.B's letter dated 29.06.2022 within a period of eight weeks from the date of this order.

At this stage, it is made clear that the Tribunal has left open all the merits of this matter for the Respondent No. 3 to examine and pass a reasoned order according to law and submit all the family pension papers to the A.G.W.B. with all supporting documents within a period of eight weeks from the date of this order.

All the concerned parties, if required, should also be advised to submit relevant documents before the Respondent No. 3.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)